

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**
IN RE TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

MDL No. 1570 (RCC)

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This document relates to:

02 CV 1616

THOMAS BURNETT, et al,

v.

AL BARAKA INVESTMENT &
DEVELOPMENT CORP., et al. — — —

**DECLARATION OF SALEH BIN ABDALLAH ALSAIKHAN
IN SUPPORT OF DEFENDANT INTERNATIONAL ISLAMIC
RELIEF ORGANIZATION'S
MOTION TO DISMISS THE THIRD AMENDED COMPLAINT**

IN THE NAME OF GOD, THE MERCIFUL, THE COMPASSIONATE, I Saleh
Bin Abdallah Alsaikhan, state as follows:

1. I am the Director of Financial Administration of the International Islamic Relief Organization of Saudi Arabia ("IIROSA") and I submit this declaration in my professional capacity as the Director of Financial Administration of IIROSA and in connection with the motion to dismiss the complaint against IIROSA as a named defendant in the above-referenced action. I make this affidavit based on my personal knowledge and the documents and records in my possession.

2. I have served as IIROSA's Director of Financial Administration at the IIROSA office in Jeddah, Saudi Arabia, Hael Street, Ruwais District, since December 14, 2002. Prior to joining IIROSA, I worked at Saudi Aramco, a large petroleum company, for more than 10 years. I hold a degree in accounting from King Abdul Aziz University in Jeddah, Saudi Arabia. My responsibilities as the Director of Financial Administration of

IIROSA include overseeing the finance department, administering budget items, revenues, and expenditures, and working closely with IIROSA management to ensure the integrity of IIROSA's finances in connection with the administration of IIROSA's international humanitarian relief and development programs.

3. IIROSA is a nongovernmental charitable organization established pursuant to a resolution passed by the constituent assembly of the Muslim World League ("MWL") in 1978. It is headquartered in Makkah, Saudi Arabia, with administrative offices in Jeddah, Saudi Arabia. Pursuant to IIROSA's Constitution, it "has a legal personality and an administrative and financial entity of its own, within the framework of its constitution and bylaws." IIROSA provides direct assistance to victims of natural disasters and wars. IIROSA also sponsors health, education, and social welfare projects including the construction and administration of hospitals, clinics, nutrition centers, schools, mosques, and orphanages.

4. Currently, IIROSA is governed by a 24-member board of directors chaired by the Secretary General of the MWL. The Secretary General of the MWL serves as IIROSA's board chair pursuant to the Constitution of IIROSA, but he provides no input whatsoever on the day-to-day operations of IIROSA. The organizational structure of IIROSA as set forth in its Constitution establishes that the Secretary General of the MWL presides over the General Assembly meetings which take place every two years.

5. IIROSA is a separate legal entity from the MWL. IIROSA maintains its own capitalization, operations, governance, personnel, bank accounts, and offices. IIROSA has 16 main regional offices and over 55 sub-regional offices in the Kingdom of Saudi Arabia. In addition, IIROSA carries out its humanitarian relief work and international

development assistance programs in over 120 countries through its 29 foreign offices. The foreign offices serve the countries in which they are located and, in some cases, they serve neighboring countries with the cooperation of local nongovernmental organizations working on the ground in those neighboring countries. To carry out its humanitarian relief work in the wake of natural disasters, IIROSA establishes temporary relief centers. Accordingly, IIROSA's humanitarian assistance is provided in many more countries than the ones in which it maintains a foreign office.

6. According to its Constitution, IIROSA's revenues are derived from a number of sources, including individual and corporate welfare donors who designate the beneficiary of the donation, *e.g.*, an orphan, a student, or a mosque. The designated beneficiary must be consistent with IIROSA's mission. In addition, IIROSA's revenues include donations, grants, bequests, contributions from international institutions and the government of the Royal Kingdom of Saudi Arabia, and dividends from investments, among other sources. As a nongovernmental charitable organization under the laws of the Royal Kingdom of Saudi Arabia, IIROSA comports with domestic regulations regarding its financial records and accounting practices. IIROSA maintains strict internal accounting and financial controls over its local and foreign offices to ensure that IIROSA funds are expended properly to carry out IIROSA's charitable functions.

7. IIROSA operates as a legitimate charitable entity and has no connection to terrorism. IIROSA has never espoused terrorism and has never encouraged or assisted terrorists or terrorist acts. IIROSA has never knowingly or intentionally financed terrorist activities.

8. IIROSA maintains no physical presence in the United States, *i.e.*, IIROSA currently has no office in the U.S. and IIROSA carries out no program-related work in the U.S. IIROSA neither solicits nor receives funding from any individuals or entities in the U.S. IIROSA does not (a) maintain an office or bank accounts in the U.S.; or (b) engage in fundraising activities or a public relations campaign in the U.S.

9. IIROSA operates under the broad organizational umbrella of the MWL and carries out the humanitarian relief operations as well as health, education, development, social, and economic welfare programs, however, IIROSA is not the agent or alter ego of the MWL. IIROSA and MWL exist and operate as separate legal and corporate entities under the laws of the Royal Kingdom of Saudi Arabia. Although IIROSA and MWL occupy the same office space in a number of foreign offices and, on occasion, employ one manager to carry out the work of IIROSA and MWL in that foreign office, the costs of the office space and personnel are allocated between IIROSA and MWL to reflect each entity's usage.

10. In addition, IIROSA and an entity known as the Islamic Relief Organization based in Herndon, Virginia, are separate legal entities. I am informed by counsel for IIROSA that public documents in the U.S. demonstrate that the Islamic Relief Organization ceased operations and was dissolved initially in 1998 and, after a brief reinstatement, finally dissolved as a corporate entity as of December 2002.

11. At all times relevant herein, IIROSA has maintained itself as an independent organization with operations, books, and records, completely separate and apart from the MWL and the now defunct Islamic Relief Organization.

